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**MAILED**  
**NOV 22 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
Struhsaker et al.	:	
Application No. 09/839,456	:	
Patent No. 6,891,810	:	DECISION ON PETITION
Filed: April 20, 2001	:	UNDER 37 C.F.R. § 1.378(C)
Issue Date: May 10, 2005	:	
Attorney Docket Number:	:	
9030101.136-US2	:	
Title: WIRELESS ACCESS SYSTEM	:	
AND ASSOCIATED METHOD USING	:	
MULTIPLE MODULATION FORMATS IN	:	
TDD FRAMES ACCORDING TO	:	
SUBSCRIBER SERVICE TYPE	:	

This is a decision on the petition filed pursuant to 37 C.F.R. § 1.378(c) on April 26, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

This petition pursuant to 37 C.F.R. § 1.378(c) is **GRANTED**.

The patent issued on May 10, 2005. The grace period for paying the 3½-year maintenance fee provided in 37 C.F.R. § 1.362(e) expired at midnight on May 10, 2009, with no payment received. Accordingly, the patent expired on May 10, 2009 at midnight.

A grantable petition pursuant to 37 C.F.R. § 1.378(c) must be accompanied by:

- (1) The maintenance fee as set forth in 37 C.F.R. §§ 1.362(e) and 1.20;
- (2) The surcharge for accepting a maintenance fee after expiration of a patent for non-timely payment of a maintenance fee, as set forth in 37

C.F.R. § 1.20;

- (3) A statement that the delay was unintentional from a proper party in interest, and;
- (4) The petition must be filed within 24 months of the date of expiration.

With this petition, Petitioner submitted the surcharge associated with a petition to accept late payment of a maintenance fee as unintentional, the 3½-year maintenance fee, and a statement that the delay in payment of the maintenance fee was unintentional. This petition was timely filed within twenty-four months after the expiration of the six-month grace period.

Petitioner has met each of the requirements of Rule 1.378(c).

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.<sup>1</sup> Inquiries pertaining to the submission of maintenance fees should be directed to the Maintenance Fee branch at 571-272-6500.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.